

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Patent Application of:

William Stern

Original Patent No.: 6,440,392

Group Art Unit :---

Issued : August 27, 2002

Examiner :---

For : NASAL CALCITONIN FORMULATION

**Mail Stop Reissue**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**COMBINED DECLARATION AND POWER OF  
ATTORNEY FOR REISSUE PATENT APPLICATION**

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I am the original, first and sole inventor of the subject matter which is claimed and for which a reissue patent is sought on the invention entitled: "NASAL CALCITONIN FORMULATION" the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by a Preliminary Amendment which is attached.

I acknowledge the duty to disclose all information known to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code §119 of the following United States application:

Country	Application Number	Date of Filing	Priority Claimed
United States (Provisional)	60/180,241	February 4, 2000	Yes

There are no related foreign applications for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Further, upon information and belief, the original patent is partly inoperative or invalid by reason of claiming more or less than the inventor had the right to claim in the patent.

At least one error exists in the claims of the issued original patent. In particular, claim 1 of the patent, as issued, was unduly broad in that it covered a liquid pharmaceutical composition that was anticipated under 35 U.S.C. §102 by at least Example 1 (Col. 4, line 55 to Column 5, line 10) of prior art U.S. Patent No. 6,087,338. Therefore, on information and belief, the patentee claimed more in claim 1 than he had the right to claim in the original patent.

On information and belief, all errors which are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on the part of the applicant.

I hereby appoint customer no. 2352 OSTROLENK, FABER, GERB & SOFFEN, LLP, and the members of the firm, Samuel H. Weiner - Reg. No. 18,510; Robert C. Faber - Reg. No. 24,322; Max Moskowitz - Reg. No. 30,576; James A. Finder - Reg. No. 30,173; William O. Gray, III - Reg. No. 30,944; Louis C. Dujmich - Reg. No. 30,625, and Douglas A. Miro - Reg. No. 31,643, as attorneys with full power of substitution and revocation to prosecute this application, to transact all business in the Patent & Trademark Office connected therewith and to receive all correspondence.


I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Send Correspondence To:**

OSTROLENK, FABER, GERB & SOFFEN, LLP  
1180 AVENUE OF THE AMERICAS  
NEW YORK, NEW YORK 10036-8403  
CUSTOMER NO. 2352

**Direct Telephone Calls To:**

(212) 382-0700

FULL NAME OF SOLE OR FIRST INVENTOR		
William Stern		
INVENTOR'S SIGNATURE		DATE
		1/14/04
RESIDENCE (City and either State or Foreign Country)		COUNTRY OF CITIZENSHIP
Tenafly, New Jersey		USA
POST OFFICE ADDRESS		
113 Surrey Lane, Tenafly, New Jersey 07670		

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**CONSENT OF ASSIGNEE OF ENTIRE INTEREST TO  
REISSUE OF U.S. PATENT 6,440,392 PURSUANT TO 37 CFR §1.172(a)**

Sir:

The Assignee owning an undivided interest in the above-identified original U.S. Patent 6,440,392 is Unigene Laboratories, Inc., a Delaware Corp. with a principle place of business in Fairfield, New Jersey. Further details of Unigene's ownership of all right title and interest to said original patent is established by a Certificate under 37 CFR §3.73(b) which is submitted herewith. The undersigned is an officer of Assignee Unigene empowered to act on behalf of Assignee (also as noted in the accompanying Certificate Under 37 CFR §3.73(b)).

Assignee Unigene, owning an undivided interest in the above-identified original patent, hereby consents to the accompanying application for reissue.

UNIGENE LABORATORIES, INC.

1/14/04  
Date

Ronald S. Levy  
By: Ronald S. Levy  
Vice President

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**CERTIFICATE UNDER 37 CFR 3.73(b)**

Sir:

Unigene Laboratories, Inc., a Delaware Corporation with a principle place of business at 110 Little Falls Road, Fairfield, New Jersey 07004-2193, hereby certifies that it is the Assignee of the entire right, title and interest in the above-identified original U.S. Patent, and hence the present reissue application of said U.S. patent, by virtue of an Assignment from the sole inventor William Stern. That Assignment was executed by said sole inventor on February 8, 2001 and recorded by the U.S. Patent and Trademark Office on April 16, 2001 at reel 011702, frame 0952. The undersigned has reviewed this document, and believes it to be the only document relevant to title. To the best of the undersign's knowledge and belief, title is in the Assignee identified above.

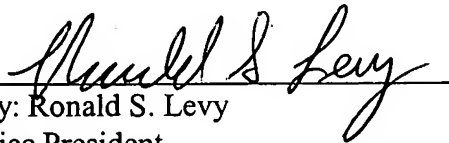
The undersigned (whose title is supplied below) is empowered to act on behalf of the Assignee.

I hereby declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statement are made with the knowledge that willful false statements, and the likes, are made, are punishable by fine or imprisonment, or both under §1001, of title 18 of the United States Code,

and as such, willful false statements may jeopardize validity of the application or any patent issued thereon.

UNIGENE LABORATORIES, INC.

Date: 1/14/04

  
By: Ronald S. Levy  
Vice President

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**POWER OF ATTORNEY FROM ASSIGNEE OF ENTIRE INTEREST**

Sir:

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Assignee Unigene, owning an undivided interest in the above-identified original patent, hereby appoints customer no. 2352 OSTROLENK, FABER, GERB & SOFFEN, LLP, and the members of the firm, Samuel H. Weiner - Reg. No. 18,510; Robert C. Faber - Reg. No. 24,322; Max Moskowitz - Reg. No. 30,576; James A. Finder - Reg. No. 30,173; William O. Gray, III - Reg. No. 30,944; Louis C. Dujmich - Reg. No. 30,625, and Douglas A. Miro - Reg. No. 31,643, as attorneys with full power of substitution and revocation to prosecute this application, to transact all business in the Patent & Trademark Office connected therewith and to receive all correspondence.

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